COURT NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.53 OF 2006 (S/B)

Umarao Singh Saini S/o Late Kunawar Sen,
Presently posted as Assistant Engineer,
Cooperative Societies, Udham Singh Nagar

…….. Petitioner

Versus

1. State of Uttaranchal through Secretary Cooperatives Cane Development & Sugar Industries
2. District Magistrate, Udham Singh Nagar, Uttaranchal
3. N.C. Sharma, Secretary Cooperatives Cane, Development & Sugar Industries

……. Respondents

Sri L.P. Naithani, Senior Advocate assisted by Sri Sobhit Saharaia, learned counsel for the petitioner
Learned standing counsel for the State.

Dated: 21.02.2006

Coram: HON'BLE P.C. VERMA, J.
HON'BLE B.C. KANDPAL, J.

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the impugned suspension order dated 04.02.2006 (Annexure No.21 to the writ petition) by which the State Government suspended the petitioner from the post of Assistant Registrar, Cooperative Societies on the ground of various charges.

In this case, the charge sheet has already been issued and the District Magistrate has been appointed as Inquiry Officer. The allegations made in the petition to challenge the suspension order are factual in nature and

can very well be examined by the Inquiry Officer during the enquiry proceedings.

Learned counsel for the petitioner submitted that the District Magistrate is a party to the contempt proceedings in this case and therefore he will not be a fair Inquiry Officer. In view of this statement, it is open for the petitioner to move before the State Government to challenge the Inquiry Officer on this ground.

However, having regard to the facts and circumstances of the case, we direct the Inquiry Officer to conclude the enquiry within a period of three months. The petitioner shall file his reply within 15 days from today. After the conclusion of the enquiry, the appointing authority shall take a decision thereafter within fifteen days.

If the exercise as provided is not completed within the period specified as above, the impugned suspension order shall stand revoked.

Subject to above, the writ petition is disposed of accordingly.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang